



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1128/1
MES&CMH;jld:jf

DOA:.....Byrnes, BB0362 - Eliminate local residency requirements for local government employees

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

With some exceptions, this bill prohibits cities, villages, towns, counties, and school districts (local governmental units) from requiring, as a condition of employment, that any nonelective employee or prospective employee reside within any jurisdictional limits. Exceptions to the general prohibition include certain school board officials. The prohibition also does not apply to any other state law requiring residency for a municipal position or to any state or municipal requirement for state residency.

If a local governmental unit has a residency requirement in effect on the effective date of the bill, the residency requirement does not apply and may not be enforced.

Finally, the bill prohibits a local governmental employer from bargaining collectively with respect to a decision to impose a residency requirement.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 17.03 (4) (d) of the statutes is amended to read:

17.03 (4) (d) If the office is local and appointive, and residency, subject to s. 66.0502, is a local requirement, the county, city, village, town, district, or area within which the duties of the office are required to be discharged.

SECTION 2. 59.26 (1) (c) of the statutes is repealed.

SECTION 3. 60.37 (1) of the statutes is amended to read:

60.37 (1) **GENERAL.** The town board may employ on a temporary or permanent basis persons necessary to carry out the functions of town government including, subject to sub. (4), any elected officer of the town. The board may establish the qualifications and terms of employment, which may not include the residency of the employee. The board may delegate the authority to hire town employees to any town official or employee.

SECTION 4. 62.13 (4) (d) of the statutes is amended to read:

62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to residence, health and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the city, and whose compensation shall be fixed by the board and paid by the city. Veterans and their spouses shall be given preference points in accordance with s. 230.16 (7).

SECTION 5. 62.50 (5) of the statutes is amended to read:

62.50 (5) EXAMINATIONS. The examinations which the rules and regulations provide for shall be public and free to all U.S. citizens with proper limitations as to residence, age, health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examinations shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the candidates to discharge the duties of the positions in which they seek employment or to which they seek to be appointed and may include tests of manual skill and physical strength. The board shall control all examinations and may designate suitable persons, either in the official service of the city or not, to conduct such examinations and may change such examiners at any time, as seems best.

SECTION 6. 62.53 of the statutes is repealed.

SECTION 7. 63.08 (1) (a) of the statutes is amended to read:

63.08 (1) (a) Any applicant for an examination under s. 63.05, other than an applicant for a deputy sheriff position under s. 59.26 (8) (a), shall be a resident of this state before applying for an examination, but the commission may not require any period of residency in the county for entrance to an examination or employment in the county. The commission may require an applicant to file a written application form which bears upon the applicant's fitness for a vacant position and which the commission deems necessary. For a position offering a skilled, technical, or professional service, upon a finding that a suitable number of qualified applicants cannot be obtained from within the state, the commission may open the examination to residents of other states. Residency in this state may be waived for an applicant for an examination for a position which requires a license in a health care field. No question pertaining to political affiliation or religious faith may be asked of any applicant for an examination.

SECTION 8. 63.25 (1) (a) of the statutes is amended to read:

63.25 (1) (a) For open, competitive examinations and for other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all persons with proper limitations as to residence, age, health, and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record.

SECTION 9. 66.0502 of the statutes is created to read:

66.0502 Employee residency requirements prohibited. (1) The legislature finds that public employee residency requirements are a matter of statewide concern.

(2) In this section, "local governmental unit" means any city, village, town, county, or school district.

(3) (a) Except as provided in sub. (4), no local governmental unit may require, as a condition of employment, that any employee or prospective employee reside within any jurisdictional limit.

(b) If a local governmental unit has a residency requirement that is in effect on the effective date of this paragraph ... [LRB inserts date], the residency requirement does not apply and may not be enforced.

(4) This section does not affect any statute that requires residency within the jurisdictional limits of any local governmental unit or any provision of law that requires residency in this state.

(END)